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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,873	08/21/2001	Akihiko Sugukawa	213133US2SRD	6798
22850	7590	11/23/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 11/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/932,873	Applicant(s) SUGUKAWA ET AL.	
	Examiner Olisa Anwah	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11-13 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 is/are allowed.
- 6) ☐ Claim(s) 1,8-10 and 15 is/are rejected.
- 7) ☒ Claim(s) 2,5-7 and 16-19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/2/5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1 and 8-10 rejected under 35 U.S.C. § 102(e) as being anticipated by Larsson et al, U.S. Patent Application Publication No. 2004/0196784 (hereinafter Larsson).

Regarding claim 1, Larsson discloses an information exchange method of exchanging information between a communication terminal (see slave BT unit from paragraph 0005) having a short distance wireless communication device (see Bluetooth radio chip from paragraph 0004) and a host (see master from paragraph 0005) having another short distance wireless communication device (see Bluetooth radio chip from paragraph

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0004) and an information acquisition device (at paragraph 0014, Larsson states that the BT unit that initiated the INQUIRY can collect the BD_ADDR), the method comprising:

acquiring identification information identifying the communication terminal (see BD_ADDR and AM_ADDR from paragraph 0007) by the information acquisition device;

controlling the short distance wireless communication device (see Bluetooth radio chip from paragraph 0004) of the host (see master from paragraph 0005) to transmit a page message that contains the identification information (at paragraph 0007, Larsson indicates that the master uses the AM_ADDR to poll a particular slave in the piconet) and causes the communication terminal (see slave BT unit from paragraph 0005) to operate in a hopping pattern (see paragraph 0014) determined by the host (see master from paragraph 0005) being a master device; and

transmit a request (see INQUIRY RESPONSE message from paragraph 0014), following the page message (INQUIRY message of paragraph 0013), for establishing a short distance wireless communication link (see Bluetooth from paragraph 0004);

generating a connection between the host (see master from paragraph 0005) and the communication terminal (see slave BT unit from paragraph 0005) over the short distance wireless

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communication link established in response to the request (see paragraph 0017); and

initiating an information exchange using the connection (see traffic from paragraph 0004).

Regarding claims 8 and 9, see paragraph 0008.

As per claim 10, see paragraph 0004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 15 is rejected under 35 U.S.C § 103(a) as being unpatentable over Larsson in view of Swartz et al, U.S. Patent Application Publication No. 2005/0040230 (hereinafter Swartz).

As per claim 15, Larsson discloses an apparatus configured to exchange information with a communication terminal (see slave BT unit from paragraph 0005) and provide predetermined services to users who carry the communication terminal (see telephones,

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PDAs, laptop computers, digital cameras, video monitors, printers, fax machine, e.t.c from paragraph 0004), the apparatus comprising:

a short distance wireless communication device (see Bluetooth radio chip from paragraph 0004);

an identification information acquisition device (at paragraph 0014, Larsson states that the BT unit that initiated the INQUIRY can collect the BD_ADDR) configured to acquire identification information (see BD_ADDR and AM_ADDR from paragraph 0007) identifying the communication terminal (see slave BT unit from paragraph 0005);

a communication controller configured to control the short distance wireless communication device (see Bluetooth radio chip from paragraph 0004) to,

transmit a page that contains the identification information (at paragraph 0007, Larsson indicates that the master uses the AM_ADDR to poll a particular slave in the piconet) and causes the communication terminal to operate in a hopping pattern (see paragraph 0014) determined by the short distance wireless communication device being a master device (see master from paragraph 0005), and

transmit a request (observe the PAGE procedure from paragraph 0015), following the page message (see INQUIRY

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message from paragraph 0015), for establishing a short distance wireless communication link (Larsson explicitly indicates a PAGE procedure is used to establish an actual connection between two BT units);

an information exchange device configured to generate a connection between the short distance wireless communication device (see Bluetooth radio chip from paragraph 0004) and the communication terminal (see slave BT unit from paragraph 0005) over the short distance wireless communication link (see Bluetooth connections depicted at Figures 1 and 2) established in response to the request (observe the PAGE procedure from paragraph 0015), and to initiate an information exchange (see traffic from paragraph 0004) using the connection.

Larsson woefully fails to teach the apparatus is a cash register, the apparatus comprising:

a register mechanism;

a bar code reader configured to read a bar code of a product;

a register controller configured to control the register mechanism to perform a register processing in respect to the bar code of the product; and

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said register controller utilizing the exchanged information in said register processing and configured to provided said services.

Nonetheless, Swartz discloses these features (see Figure 4). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Larsson with the active shopping marketing system of Swartz. This modification would allow any digital communication device to communicate over a radio interface through the use of a Bluetooth radio chip and its accompanying software as stated by Larsson (see paragraph 0004).

Allowable Subject Matter

5. Claims 2, 5-7 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claim 14 is allowed because the prior art of record fails to disclose the claimed imaging device.

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Response to Arguments

7. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

O.A.

Olisa Anwah
Patent Examiner
October 20, 2005

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

